

United States District Court

District of _____

UNITED STATES OF AMERICA

V.

NELSON LORA PENA

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 93-043-P

Joseph Bevilacqua, Jr.

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) 1
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

REDACTED

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1542	False application for a passport.	7/6/92	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) 1, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: -3563Defendant's Date of Birth: 6612/10/93

Date of Imposition of Sentence

Defendant's Mailing Address:

ACI
Cranston, RI

Defendant's Residence Address:

Signature of Judicial Officer

Sr. Judge Raymond J. Pettine

Name & Title of Judicial Officer

Date

FILED

DEC 19 2005

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

Defendant: Nelson Lora Pena
 Case Number: 93-043-P

Judgment— Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 9 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

- ☒ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
☐ p.m. on _____
☐ as notified by the United States marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

 United States Marshal

By _____
 Deputy Marshal

Defendant: Nelson Lora Pe.
 Case Number: 93-043-P

Judgment — Page _____ of _____ 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not legally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

The defendant shall not possess a firearm or destructive device.

As a special condition of supervised release the defendant shall participate in a drug treatment program, which is approved by the Probation Department.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: Nelson Lora Pena
Case Number: 93-043-P

Judgment—Page 4 of 4

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 4

Criminal History Category: 3

Imprisonment Range: 0 to 6 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 250 to \$5,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

vs.

NELSON LORA PENA

:
:
: CR No.
: In Violation of
: Title 18, United States
: Code, Section 1542

CR 93 043

INDICTMENT

COUNT 1

The Grand Jury charges:

On or about the 6th day of July, 1992, in the District of Rhode Island, the defendant, NELSON LORA PENA, willfully and knowingly made false statements in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that his name was Dubois B. Aviles, which statement he knew to be false and defendant further stated that his social security number was 1971 and -6971, which statement he knew to be false and defendant further stated that he was a citizen of the United States, which statement he knew to be false.

In violation of Title 18, United States Code, Section 1542.

A TRUE BILL: /

Foreperson

EDWIN J. GALE
UNITED STATES ATTORNEY


JAMES H. LEAVEY
Assistant U.S. Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACT - IN U.S. DISTRICT COURT

Y. ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT

Name of District Court, and/or Judge/Magistrate Location (City)

OFFENSE CHARGED

1 count - False application
for passport☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Place of offense

RHODE ISLAND

U.S.C. Citation

18 USC 1542

DEFENDANT - U.S. vs.

NELSON LORA PENA

Address

Providence, RI 02909

Birth
Date

.66

☒

Male

☒

Alien

☐ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

IMMIGRATION AND NATURALIZATION SERVICE

☐ person is awaiting trial in another Federal or State Court,
give name of court☐ this person/proceeding is transferred from another district
per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:☐ U.S. Att'y ☐ DefenseSHOW
DOCKET NO.☐ this prosecution relates to a pending
case involving this same defendant☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded underMAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

EDWIN J. GALE

☒ U.S. Att'y☐ Other U.S. AgencyName of Asst. U.S. Att'y
Assigned

JAMES H. LEAVEY

DEFENDANT IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding
If not detained give date any prior summons
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

DEFENDANT IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Fed'l ☐ State
- 6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☐ NoIf "Yes"
give date
filed

Mo.

Day

Year

DATE OF
ARREST

Or... if Arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY

Mo.

Day

Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

ESTIMATED LENGTH OF TRIAL 3 days

PENALTIES: 18 USC 1542 (False application for passport)
5 years imprisonment; \$250,000 fine or both

PRON 12C
(7/93)

UNITED STATES DISTRICT COURT

FOR

THE JUDICIAL DISTRICT OF RHODE ISLAND

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nelson Lora Case Number: CR: 93-00043-00P

Name of Sentencing Judicial Officer: The Honorable Raymond J. Pettine

Date of Original Sentence: December 10, 1993

Original Offense: Ct. 1: Fraudulent Application for Passport, Title 18, U.S. C. § 1542

Original Sentence: Ct. 1: Custody BOP 3 months, 3 years supervised release. Special Condition, drug aftercare treatment. Special Assessment, \$50.

Type of Supervision: Supervised Release

Date Supervision Commenced: February 11, 1994

Assistant U.S. Attorney: James H. Leavey, Esquire

Defense Attorney: Joseph A. Bevilacqua (Retained)

PETITIONING THE COURT

☒ [X] To issue a warrant

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Condition #2:	On January 5, 1996, the defendant was ordered to appear in the U.S. Probation Office, Providence, RI, on January 12, 1996. The subject did not appear.
Condition #2:	On March 20, 1996, a certified letter was sent to the offender's last and usual address to appear March 22, 1996. The defendant did not appear.

Petition for Warrant or Summons for Offender Under Supervision

page 2

- Condition #2: Nelson Lora has failed to provide Monthly Reports for the months of January, February and March, 1996.
- Condition #4: The defendant has failed to make child support payments as ordered. His last support payment was made on December 7, 1995. His payment arrears total \$9,408.04, as of April 1, 1996.
- Condition #6: Nelson Lora has not lived at his last and usual address, 69 Unit St. Providence, RI, since approximately Mid- January 1996. He has failed to notify the probation office of any change in residence.
- Condition #7: On July 31, 1995, the defendant sold heroin to a undercover Police Officer from the Johnston, RI, Police Department.
- Condition #11: January, 1996, the defendant was arrested by Johnston, RI, Police. Mr. Lora, has failed to notify the U.S. Probation department of this arrest.

Nelson Lora was last seen in the U.S. Probation Office, Providence, RI, on January 5, 1996. His whereabouts is unknown at this time.

Respectfully submitted,
by [Signature]
U.S. Probation Officer
Julius H. Brito

Reviewed & Approved:

[Signature]

Kurt E. O'Sullivan
Supervising U.S. Probation Officer

Date: April 2, 1996

THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Signature of Judicial Officer

[Signature]
S. R. Lodge

Date

April 3/96

CLOSED

**U.S. District Court
District of Rhode Island (Providence)
CRIMINAL DOCKET FOR CASE #: 1:93-cr-00043-S-LDA-1**

Case title: USA v. Pena

Date Filed: 06/16/1993

Assigned to: William E Smith
Referred to: Lincoln D. Almond

Defendant

Nelson Lora Pena (1)
TERMINATED: 12/20/1993

represented by **Joseph A. Bevilacqua, Jr.**
387 Atwells Avenue
Providence, RI 02909
273-5600
Fax: 454-5600
TERMINATED: 12/20/1993
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1542 PASSPORT FRAUD
(1)

Disposition

The deft. is hereby committed to the custody of the US Bureau of Prisons to be imprisoned for a term of 3 months. A term of S.R. of three years. As a spec. condition the deft. shall participate in a drug treatment program, which is approved by the Probation Dept. S.A. of \$50.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**

Date Filed	#	Docket Text
06/16/1993	1	INDICTMENT as to Nelson Lora Pena (1) count(s) 1 (Lagueux, C) (Entered: 06/18/1993)
06/18/1993	2	ARREST WARRANT issued as to Nelson Lora Pena (Lagueux, C) (Entered: 06/18/1993)
07/07/1993		Arraignment as to Nelson Lora Pena held; defendant pleads not guilty. Bail set at \$10,000 with 50% surety with set conditions (Belkin/Bevilacqua). (Defendant informed of rights.) (Lagueux, C) (Entered: 07/07/1993)
07/07/1993	3	ENTRY of Appearance for Nelson Lora Pena by Attorney Joseph A. Bevilacqua Jr. (Lagueux, C) (Entered: 07/07/1993)
07/07/1993	4	ARRAIGNMENT ORDER as to Nelson Lora Pena setting Discovery cutoff 8/6/93 for Nelson Lora Pena ; Motion Filing deadline on 8/10/93 for Nelson Lora Pena ; Pretrial Conference for 9:30 8/23/93 for Nelson Lora Pena before Magistrate Judge Robert W. Lovegreen . Placed on Continuous Trial Calendar for 8/23/93. (Signed by Magistrate Judge Robert W. Lovegreen) (Lagueux, C) (Entered: 07/07/1993)
07/07/1993		Nelson Lora Pena has not made bail at this time. (Lagueux, C) (Entered: 07/07/1993)
07/08/1993	7	ARREST WARRANT Returned Executed as to Nelson Lora Pena on 7/6/93 (Dube, P) (Entered: 07/12/1993)
07/09/1993	5	Appearance BOND entered by Nelson Lora Pena in Amount \$ 10,000.00 w/ %50 down Receipt # 34295 (Dias, J) (Entered: 07/09/1993)
07/09/1993	6	ORDER Setting Conditions of Release as to Nelson Lora Pena (Signed by Magistrate Judge Robert W. Lovegreen) (Dias, J) (Entered: 07/09/1993)
08/23/1993		Pre-trial conference as to Nelson Lora Pena hold before Magistrate Judge Lovegreen. (Pesaturo, K) (Entered: 08/23/1993)
09/28/1993		Change of Plea Hearing as to Nelson Lora Pena held (Burgess, J) (Entered: 09/30/1993)
09/28/1993	8	Minute entry as to Nelson Lora Pena : Change of plea hearing hold. Defendant pleads guilty to count 1. Sentencing is deferred until 12/7/93 at 2:00p.m. (Burgess, J) (Entered: 09/30/1993)
09/28/1993	9	Plea Agreement as to Nelson Lora Pena (Burgess, J) (Entered: 10/01/1993)

09/28/1993		PLEA entered by Nelson Lora Pena . Court accepts plea. Guilty: Nelson Lora Pena (1) count(s) 1 (Jackson, B) (Entered: 12/20/1993)
11/15/1993	10	ORDER as to Nelson Lora Pena, set Bail Revocation Hearing for 1:30 11/19/93 for Nelson Lora Pena The Clerk is ordered to issue a summons requiring the deft. to appear for hearing. (Signed by Judge Raymond J. Pettine) (Dube, P) (Entered: 11/16/1993)
11/16/1993		SUMMONS(ES) issued for Nelson Lora Pena for his apcarance before Sr. Judge Pettine on bail violation hring. for 11/19/93 at 1:30. (Dube, P) (Entered: 11/16/1993)
11/19/1993	11	Minute entry as to Nelson Lora Pena :Bailed revoked because of positive urine test of 10/27/93. Remanded into the custodyof the US Marshall. of the US Marshal (Jackson, B) (Entered: 11/22/1993)
11/23/1993		Deadline updated as to Nelson Lora Pena, reset Sentencing for 3:00 12/10/93 for Nelson Lora Pena NOTICE SENT TO ALL COUNSEL OF RECORD. (Dube, P) (Entered: 11/23/1993)
12/10/1993	12	Minute entry as to Nelson Lora Pena :James Levy for the USA. Joseph Bevilacqua, Jr. Plea accepted. Remanded to US Marshal for the month sentence, supervised release 3 yrs and must enter drug treatment program, spec. ass. of \$50.. (Jackson, B) (Entered: 12/15/1993)
12/10/1993		Sentencing hld Nelson Lora Pena (1) count(s) 1 (Jackson, B) (Entered: 12/20/1993)
12/20/1993	14	JUDGMENT as to Nelson Lora Pena (1) count(s) 1. The deft. is hereby committed to the custody of the US Bureau of Prisons to be imprisoned for a term of 3 months. A term of S.R. of three years. As a spec. condition the deft. shall participate in a drug treatment program, which is approved by the Probation Dept. S.A. of \$50. (Signed by Judge Raymond J. Pettine) (Jackson, B) (Entered: 12/20/1993)
12/29/1993	15	MOTION by Nelson Lora Pena to release Bail (Jackson, B) (Entered: 12/30/1993)
01/19/1994		Motion(s) referred to Judge Raymond J. Pettine as to Nelson Lora Pena : [15-1] motion to release Bail (Dube, P) (Entered: 01/19/1994)
01/19/1994	17	Judgment Returned Executed as to Nelson Lora Pena ; on 01/13/94 (Jackson, B) (Entered: 02/08/1994)
01/27/1994	16	ORDER as to Nelson Lora Pena granting [15-1] motion to release Bail as to Nelson Lora Pena (1) (Signed by Judge Raymond J. Pettine) (Dube, P) (Entered: 01/27/1994)
04/03/1996	18	PETITION FOR WARRANT for Offender Under Supervision granted as to Nelson Lora Pena by Senior Judge Pettine. Warrant to issue. (Patnaude, C) (Entered: 04/05/1996)
04/05/1996	19	PROBATION WARRANT issued as to Nelson Lora Pena (Patnaude, C) (Entered: 04/05/1996)

04/21/2005	20	Arrest WARRANT Returned Executed as to Nelson Lora Pena on 4/9/05 - Newark, Delaware by USMS (Thcall, J) (Entered: 04/22/2005)
10/13/2005		Case as to Nelson Lora Pena Reassigned to Judge William E Smith and Lincoln D. Almond. Judge Raymond J. Pettine no longer assigned to the case. (Farrell Pletcher, Paula) (Entered: 10/13/2005)

PACER Service Center			
Transaction Receipt			
12/16/2005 14:02:35			
PACER Login:	ud0351	Client Code:	
Description:	Docket Report	Search Criteria:	1:93-cr-00043-S-LDA
Billable Pages:	2	Cost:	0.16